

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

(1) STEPHEN REAGOR

)

JUN 22 2015

Plaintiff,

)

Phil Lombardi, Clerk
U.S. DISTRICT COURT

v.

)

Case No.

(1) SOUTHERN FOODS GROUP, LLC
d/b/a BORDEN DAIRY PRODUCTS

)

15 CV - 345 JHP - FHM

Defendant.

NOTICE OF REMOVAL

1. Southern Foods Group, LLC, d/b/a Borden Dairy Products (“Defendant”) is the defendant in a civil action brought against it in the District Court of Tulsa County, State of Oklahoma, and titled *Stephen Reagor v. Southern Foods Group, LLC d/b/a Borden Dairy Products*, Case No. CJ-2015-1297.

2. Originally, this case had two defendants. However, Stephen Reagor (“Plaintiff”) dismissed Borden Dairy Company of Texas, LLC from the case without prejudice on June 18, 2015.

3. Plaintiff asserts claims arising under federal law, namely Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq*, and 29 U.S.C. § 216(b).

4. This is the kind of action of which the United States District Courts have original jurisdiction because of a federal question. 28 U.S.C. § 1331. Therefore, this action is removable under 28 U.S.C. § 1441(a).

5. The aforementioned action was commenced by service of summons upon The Corporation Company, as registered service agent for Defendant, on June 1, 2015, and this Notice of Removal, therefore, is timely under 28 U.S.C. § 1446(b).

6. Pursuant to 28 U.S.C. § 1446(a) and N.D. LCvR 81.2, copies of all process, pleadings, and orders filed or served in the state court action, along with a docket sheet from the case, are attached hereto as Exhibits 1 through 5.

DATED June 22, 2015.

Respectfully submitted,

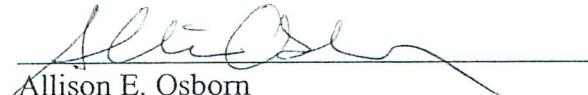


Randall J. Snapp, OBA #11169
Allison E. Osborn, OBA #31677
CROWE & DUNLEVY
A Professional Corporation
500 Kennedy Building
321 South Boston Avenue
Tulsa, OK 74103-3313
(918) 592-9800
(918) 592-9801 (Facsimile)
randall.snapp@crowedunlevy.com
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing was delivered to the Court Clerk of Tulsa County, Oklahoma, Tulsa County Courthouse, 500 S. Denver, Tulsa, Oklahoma 74103 and was mailed, postage prepaid, this 22d day of June, 2015 to the following attorney for Plaintiff:

Daniel E. Smolen
Smolen, Smolen & Roytman, PLLC
701 South Cincinnati Avenue
Tulsa, OK 74119


Allison E. Osborn



The information on this page is NOT an official record. Do not rely on the correctness or completeness of this information. Verify all information with the official record keeper. The information contained in this report is provided in compliance with the Oklahoma Open Records Act, 51 O.S. 24A.1. Use of this information is governed by this act, as well as other applicable state and federal laws.

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

STEPHEN REAGOR,

Plaintiff,

v.

SOUTHERN FOODS GROUP LLC, DBA

BORDEN DAIRY PRODUCTS

Defendant, and

BORDEN DAIRY COMPANY OF TEXAS LLC,

Defendant.

No. CJ-2015-1297

(Civil relief more than \$10,000:
DISCRIMINATION)

Filed: 04/06/2015

Judge: Kuehn, Dana

PARTIES

BORDEN DAIRY COMPANY OF TEXAS LLC, Defendant

REAGOR, STEPHEN, Plaintiff

SOUTHERN FOODS GROUP LLC, Defendant

ATTORNEYS

Attorney

SMOLEN SMOLEN & ROYTMAN PLLC

701 SO CINCINNATI AVE

TULSA, OK 74119

Represented Parties

REAGOR, STEPHEN

EVENTS

None

ISSUES

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

EXHIBIT

1

Issue # 1. Issue: DISCRIMINATION (DISCRIM)
Filed By: REAGOR, STEPHEN
Filed Date: 04/06/2015

Party Name	Disposition Information
<u>Defendant:</u> SOUTHERN FOODS GROUP LLC	Pending.
<u>Defendant:</u> BORDEN DAIRY COMPANY OF TEXAS LLC	Disposed: DISMISSED WITHOUT PREJUDICE, 06/18/2015. Other

DOCKET

Date	Code	Description	Count	Party	Amount
04-06-2015	TEXT	Civil relief more than \$10,000 Initial Filing.	1		
04-06-2015	DISCRIM	DISCRIMINATION			
04-06-2015	DMFE	DISPUTE MEDIATION FEE			\$ 2.00
04-06-2015	PFE1	PETITION <i>Document Available (#1029069492)</i>			\$ 163.00
04-06-2015	PFE7	LAW LIBRARY FEE			\$ 6.00
04-06-2015	OCISR	Oklahoma Court Information System Revolving Fund			\$ 25.00
04-06-2015	CCADMIN02	Court Clerk Administrative Fee on \$2 Collections			\$ 0.20
04-06-2015	OCJC	Oklahoma Council on Judicial Complaints Revolving Fund			\$ 2.00
04-06-2015	OCASA	Oklahoma Court Appointed Special Advocates			\$ 5.00
04-06-2015	CCADMIN04	Court Clerk Administrative Fee on Collections			\$ 0.50
04-06-2015	LTF	Lengthy Trial Fund			\$ 10.00
04-06-2015	SMF	Summons Fee (Clerks Fee)-2			\$ 10.00
04-06-2015	SMIMA	Summons Issued - Mailed by Attorney			
04-06-2015	TEXT	OCIS has automatically assigned Judge Kuehn, Dana to this case.			

Date	Code	Description	Count	Party	Amount
04-06-2015	ACCOUNT	Receipt # 2015-3064104 on 04/06/2015. Payor:SMOLEN SMOLEN Total Amount Paid: \$223.70. Line Items: CJ-2015-1297: \$173.00 on AC01 Clerk Fees. CJ-2015-1297: \$6.00 on AC23 Law Library Fee. CJ-2015-1297: \$0.70 on AC31 Court Clerk Revolving Fund. CJ-2015-1297: \$5.00 on AC58 Oklahoma Court Appointed Special Advocates. CJ-2015-1297: \$2.00 on AC59 Oklahoma Council on Judicial Complaints Revolving Fund. CJ-2015-1297: \$2.00 on AC64 Dispute Mediation Fees. CJ-2015-1297: \$25.00 on AC79 OCIS Revolving Fund. CJ-2015-1297: \$10.00 on AC81 Lengthy Trial Fund.			
06-08-2015	S	Party has been successfully served./ FOR SOUTHERN FOODS GROUP LLC / BY CERT MAIL / SIGNED KORRI BEHLER / ON 6-1-2015 <i>Document Available (#1029878519)</i>		SOUTHERN FOODS GROUP LLC	
06-08-2015	S	Party has been successfully served./ FOR BORDEN DAIRY CO OF TEXAS LLC / BY CERT MAIL / SIGNED KORRI BEHLER / 6-1-15 <i>Document Available (#1029878515)</i>		BORDEN DAIRY COMPANY OF TEXAS LLC	
06-18-2015	DWOP	STIPULATION OF DISMISSAL WITHOUT PREJUDICE AS TO DEFENDANT BORDEN DAIRY COMPANY OF TEXAS LLC ONLY BY PLT <i>Document Unavailable (#1029879871)</i>		BORDEN DAIRY COMPANY OF TEXAS LLC	
06-18-2015	DISPDWOP	DISMISSAL WITHOUT PREJUDICE	1	BORDEN DAIRY COMPANY OF TEXAS LLC	

IN THE DISTRICT COURT FOR TULSA COUNTY
STATE OF OKLAHOMA

STEPHEN REAGOR, an individual)

Plaintiff,)

vs.)

(1) SOUTHERN FOODS GROUP, LLC)
d/b/a BORDEN DAIRY PRODUCTS)
a Foreign Limited Liability Company, and)
(2) BORDEN DAIRY COMPANY OF)
TEXAS, LLC,)

Defendants.)



* 1 0 2 9 0 6 9 4 9 2 *

Case No.

CJ-2015-01297

DANA LYNN KUEHN

ATTORNEY LIEN CLAIMED

DISTRICT COURT
F I L E D

APR - 6 2015

PETITION

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

COMES NOW the Plaintiff, Stephen Reagor, by and through his attorney of record, Daniel E. Smolen, of *Smolen, Smolen & Roytman, PLLC*, and brings this action against Defendants, Southern Food Groups, LLC d/b/a Borden Dairy Products, and Borden Dairy Company of Texas, LLC, (collectively "Defendants") for violation of his constitutionally protected rights arising out of his employment and termination by said Defendants.

PARTIES, JURISDICTION AND VENUE

1. Plaintiff is a resident of Tulsa County, State of Oklahoma.
2. Defendant Southern Food Groups, LLC d/b/a Borden Dairy Products, is a foreign limited liability company regularly conducting business in Tulsa County, State of Oklahoma, and employs more than fifteen (15) people.
3. Defendant Borden Dairy Company of Texas, LLC, is a foreign limited liability company regularly conducting business in Tulsa County, State of Oklahoma, and employs more than fifteen (15) people.

4. The incidents and occurrences that form the basis of Plaintiff's action occurred in Tulsa County, State of Oklahoma.
5. Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC") complaining of discrimination based on race and retaliation. A Notice of Right to Sue was received by Plaintiff, and this Petition has been filed within ninety (90) days of the receipt of the Notice. As such, all conditions precedent to the filing of this lawsuit are fulfilled.
6. This Court has jurisdiction and venue is proper in Tulsa County, State of Oklahoma.
7. Plaintiff brings this action for damages under Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. §2000e *et seq.* ("Title VII"), providing for relief against discrimination in employment on the basis of race.
8. Plaintiff brings this action for damages under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-3(a), for terminating the Plaintiff in retaliation for reporting race discrimination.
9. Plaintiff brings this action for damages under the Oklahoma Anti-Discrimination Act (OADA) 25 O.S. § 1301, *et seq.*, for race discrimination prohibited under the laws of the State of Oklahoma.
10. Plaintiff brings this action for damages under the Oklahoma Anti-Discrimination Act (OADA) 25 O.S. § 1601, *et seq.*, providing for relief against retaliation for terminating the Plaintiff in retaliation for reporting race discrimination.
11. Compensatory damages are sought pursuant to 42 U.S.C. § 2000e, *et seq.* and 29 U.S.C. § 216(b).

12. Costs and attorney's fees may be awarded pursuant to 42 U.S.C. § 2000e, *et seq.*
13. Compensatory damages, liquidated damages, equitable relief, costs, and attorney's fees may be awarded pursuant to 25 O.S. § 1350(c).

FACTS COMMON TO ALL CLAIMS

14. Plaintiff incorporates as if realleged the preceding paragraphs.
15. Plaintiff is an African-American.
16. Plaintiff was hired by Defendant on July 18, 2012 as a Class B route Driver, and was a punctual, diligent, and committed employee of the Defendant during his two years of service.
17. Prior to his termination, Plaintiff had no record of poor performance or disciplinary action by the Defendant. In fact, the Plaintiff faithfully performed the required job duties assigned to him by his supervisors, and the Plaintiff's reputation among his fellow co-workers was excellent.
18. During his employment, the Plaintiff was subjected to unequal treatment compared to non-African American drivers, who were exempt from wholesale delivery routes, the continuation of deliveries absent orders being available, and were assigned extra help on large delivery routes.
19. Plaintiff requested a meeting to complain about this difference in treatment approximately one week before he was suspended.
20. On June 11, 2014, Plaintiff was suspended for alleged insubordination, and was subsequently terminated on June 17, 2014, following a disagreement with his supervisors regarding the Defendant's refusal to provide the Plaintiff with help on

his scheduled route, despite the fact that the route at issue was normally handled by two workers.

21. Plaintiff addressed his concerns by going through the proper channels during a subsequent meeting with the Defendant's Manager of Human Resources. Plaintiff believes that the result of his meeting with Human Resources was additional hostility from his Route Supervisor, Mr. Armond Hockman.
22. The underlying reasons for Plaintiff's suspension and subsequent termination were wholly inconsistent with the Defendant's normal business practices, Defendant's company policies under its employee handbook, and the company's policies as stated within its Collective Bargaining Agreement between the Defendant and the Drivers/Salesman-Operations Employees and Tulsa General Drivers, Warehouseman and Helpers Local Union 523, affiliated with the International Brotherhood of Teamsters (herein "CBA").
23. The CBA explicitly emphasizes the use of progressive discipline for alleged workplace misconduct. Plaintiff, without accepting that he violated company policy, was never afforded progressive discipline despite his reputation and work record.
24. The Defendant failed to observe its progressive discipline policy as reflected in the CBA when the Defendant suspended, and subsequently terminated the Plaintiff, without observing the Defendant's policy of progressive discipline.
25. Plaintiff is aware of similarly situated Caucasian employees that were awarded preferential treatment with regards to the assignment of routes and the application

of the Defendant's policies. Plaintiff is also aware of employees that have witnessed discriminatory treatment of their co-workers by the Defendant.

26. Plaintiff's co-workers attest that the Plaintiff was disciplined disproportionately than Caucasian employees for the alleged subordination claimed by the Defendant's supervisors.

27. Plaintiff believes that the disparate treatment he suffered through was discriminatory based on his race and for retaliation.

FIRST CLAIM FOR RELIEF
DISCRIMINATION BASED ON RACE (TITLE VII)

28. Plaintiff incorporates the preceding paragraphs as if realleged.

29. Plaintiff's discharge was a direct result of the Defendants discriminatory application of work policies and practices. These employment practices resulted in the disparate treatment of African-American employees working for the Defendant. Caucasian employees were given preferential treatment with regards to the assignment of routes, staffing of routes, and the application of the Defendant's own employment policies and practices.

30. By treating the Plaintiff differently than similarly situated Caucasian employees, the Defendant has violated Title VII of the Civil Rights Act of 1964.

WHEREFORE, plaintiff prays for judgment against the Defendant for:

- a. Back pay and lost benefits; front pay until normal retirement
- b. Compensatory damages for her mental anguish, pain and suffering and other non-pecuniary losses;
- c. Punitive damages for the intentional and knowing acts of discrimination committed by the Defendant's management;
- d. His attorney fees and the costs and expenses of this action;
- e. Such other relief as the Court deems just and equitable.

SECOND CLAIM FOR RELIEF
RETALIATION (TITLE VII)

31. Plaintiff incorporates as if re-alleged the preceding paragraphs.
32. Plaintiff complained about the disparity in treatment between African-American employees and non-African American employees.
33. By terminating Plaintiff's employment in retaliation for his complaints regarding the unfair treatment and race discrimination, Defendant has violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-3(a).

WHEREFORE, Plaintiff prays for judgment against the Defendant for:

- a. Back pay and lost benefits; front pay until normal retirement;
- b. Compensatory damages for his mental anguish, pain and suffering and other non-pecuniary losses;
- c. Punitive damages for the intentional and knowing acts of discrimination committed by the management and executives;
- d. His attorney fees and the costs and expenses of this action;
- e. Such other relief as the Court deems just and equitable.

THIRD CLAIM FOR RELIEF
DISCRIMINATION BASED ON RACE IN VIOLATION OF THE OADA 25 O.S. § 1301 *et seq*

34. Plaintiff incorporates the preceding paragraphs as if realleged.
35. By terminating Plaintiff's employment for engaging in the same conduct in which his Caucasian counterparts engaged without the equal application of disciplinary action, the Defendant has violated the Oklahoma Anti-Discrimination Act (OADA) 25 O.S. § 1301, et seq.

WHEREFORE, Plaintiff prays for judgment against the Defendant for:

- a. Back pay and lost benefits; front pay until normal retirement
- b. Compensatory damages for her mental anguish, pain and suffering and other non-pecuniary losses;
- c. Punitive damages for the intentional and knowing acts of discrimination committed by Defendant's management and executives;

- d. His attorney fees and the costs and expenses of this action;
- e. Such other relief as the Court deems just and equitable.

FOURTH CLAIM FOR RELIEF
RETALIATION IN VIOLATION OF THE OADA 25 O.S. § 1601 *et seq.*

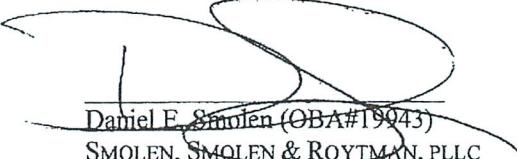
- 36. Plaintiff incorporates as if re-alleged the preceding paragraphs.
- 37. Plaintiff complained about the disparity in treatment.
- 38. By terminating Plaintiff's employment in retaliation for his complaints regarding unfair treatment and race discrimination, Defendant has violated the Oklahoma Anti-Discrimination Act 25 O.S. §1601, *et seq.*

WHEREFORE, Plaintiff prays for judgment against the Defendant for:

- a. Back pay and lost benefits; front pay until normal retirement;
- b. Compensatory damages for his mental anguish, pain and suffering and other non-pecuniary losses;
- c. Punitive damages for the intentional and knowing acts of discrimination committed by the management and executives;
- d. His attorney fees and the costs and expenses of this action;
- e. Such other relief as the Court deems just and equitable.

WHEREFORE, based on the foregoing, Plaintiff prays that this Court grant him the relief sought including, but not limited to, actual damages in excess of Seventy-Five Thousand Dollars (\$75,000), with interest accruing from date of filing of suit, punitive damages in excess of Seventy-Five Thousand Dollars (\$75,000), back pay and lost benefits, compensatory damages for mental anguish, pain and suffering and other non-pecuniary loss, reasonable attorney's fees, injunctive relief, and all other relief deemed appropriate by this Court.

Respectfully submitted,


Daniel E. Smolen (OBA#19943)
SMOLEN, SMOLEN & ROYTMAN, PLLC
701 South Cincinnati Avenue
Tulsa, OK 74119
(918) 585-2667
(918) 585-2669 (Fax)
Attorney for Plaintiff

**IN THE DISTRICT COURT FOR TULSA COUNTY
STATE OF OKLAHOMA**



* 1029878319 *

STEPHEN REAGOR, an individual)
Plaintiff,)
vs.)
(1) SOUTHERN FOODS GROUP, LLC)
d/b/a BORDEN DAIRY PRODUCTS)
a Foreign Limited Liability Company, and)
(2) BORDEN DAIRY COMPANY OF)
TEXAS, LLC,)
Defendants.)

CJ-2015-01297

ATTORNEY LIEN CLAIMED

**DISTRICT COURT
FILED**

JUN - 8 2015

ORIGINAL SUMMONS

SERVE BY U.S. CERTIFIED MAIL, RETURN RECEIPT REQUESTED
SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

Southern Foods Group, LLC
d/b/a Borden Dairy Products
c/o The Corporation Company
1833 S. Morgan Rd.
Oklahoma City, OK 73128

To the above-named Defendant(s)

You have been sued by the above named plaintiff(s), and you are directed to file a written answer to the attached petition and order in the court at the above address within twenty (20) days after service of this summons upon you exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff. Unless you answer the petition within the time stated judgment will be rendered against you with costs of the action.

Issued this 6 day of 4, 2015

By

(Seal)

This summons and order was served on

County Court Clerk

Deputy Court Clerk

15 JUN -8 PM 3:49

(Signature of person serving summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE

CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THIS SUMMONS.

Return ORIGINAL for filing.

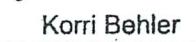
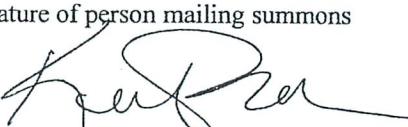
PERSONAL SERVICE

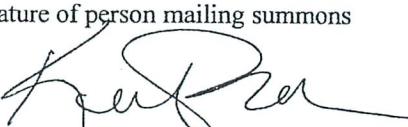
I certify that I received the foregoing Summons the _____ day of _____, 2015, and that I delivered a copy of said Summons with a copy of the Petition to the following named defendant personally in _____ County, _____ at the address and on the date set forth opposite each name, to-wit:

Name of Defendant	Address	Date of Service
-------------------	---------	-----------------

USUAL PLACE OF RESIDENCE

I certify that I received the foregoing Summons on the _____ day of _____, 2015, and that on _____, I served _____ by leaving a copy of said summons with a copy of the attached Petition at _____, which is his/her dwelling house or usual place of abode with _____.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
age		years of	
<ul style="list-style-type: none"> ■ Complete Items 1, 2, and 3. Also complete Item 4 If Restricted Delivery Is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature  Korri Behler	
		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
		B. Received by (Printed Name) _____ Date _____ THE CORPORATION COMPANY 1833 S. Morgan Rd. Oklahoma City, OK 73128	
		C. Is delivery address the same as my home address? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		D. Is delivery address a restricted delivery area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		1. Article Addressed to: Fee	
Tot: Southern Foods Group, LLC Da d/b/a Borden Dairy Products c/o The Corporation Company 1833 S. Morgan Rd. Oklahoma City, OK 73128		2. Article Number (Transfer from service label) Sun 7014 2870 0001 2703 8303	
afft: PS Form 3811, February 2004		Domestic Return Receipt 102596-02-M-1540	
I, _____, make this _____ day of _____, 2015.			
My Commission Expires: _____			
Seal		Notary Public	
CERTIFICATE OF SERVICE BY MAIL			
I certify that I mailed copies of the foregoing summons with a copy of the Petition to the following named defendant at the address shown by certified mail, addressee only, return receipt requested, on the <u>27</u> day of <u>May</u> , 2015, and receipt thereof on the dates shown:			
Defendant <u>SFG</u> Received <u>6/11/15</u>		Address Where Served <u>1833 S. Morgan Rd.</u> <u>Oklahoma City, OK 73128</u>	
		Date <u>6/11/15</u> Signature of person mailing summons 	

Defendant SFG
 Received 6/11/15
 Address Where Served
1833 S. Morgan Rd.
Oklahoma City, OK 73128
 Date 6/11/15
 Signature of person mailing summons


IN THE DISTRICT COURT FOR TULSA COUNTY
STATE OF OKLAHOMA



STEPHEN REAGOR, an individual

Plaintiff,

)
vs.
)
)

(1) SOUTHERN FOODS GROUP, LLC
d/b/a BORDEN DAIRY PRODUCTS
a Foreign Limited Liability Company, and
(2) BORDEN DAIRY COMPANY OF
TEXAS, LLC,
)
)

Defendants.

)
CJ-2015-01297

)
ATTORNEY LIEN CLAIMED

DISTRICT COURT
FILED

JUN - 8 2015

ORIGINAL SUMMONS

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

SERVE BY U.S. CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Borden Dairy Company of Texas, LLC
c/o The Corporation Company
1833 S. Morgan Rd.
Oklahoma City, OK 73128

To the above-named Defendant(s)

You have been sued by the above named plaintiff(s), and you are directed to file a written answer to the attached petition and order in the court at the above address within twenty (20) days after service of this summons upon you exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff. Unless you answer the petition within the time stated judgment will be rendered against you with costs of the action.

Issued this 6 day of 4, 2015

By

County Court Clerk
Deputy Court Clerk

(Seal)

This summons and order was served on

15 JUN - 8 PM '15
(Signature of person serving summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE

EXHIBIT

4

TIME LIMIT STATED IN THIS SUMMONS.

Return ORIGINAL for filing.

PERSONAL SERVICE

I certify that I received the foregoing Summons the _____ day of _____, 2015, and that I delivered a copy of said Summons with a copy of the Petition to the following named defendant personally in _____ County, _____ at the address and on the date set forth opposite each name, to-wit:

Name of Defendant

Address

Date of Service

USUAL PLACE OF RESIDENCE

I certify that I received the foregoing Summons on the _____ day of _____, 2015, and that on _____ I served _____ by leaving a copy of said summons with _____.

SENDER: COMPLETE THIS SECTION

- agf Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 Print your name and address on the reverse so that we can return the card to you.
 R Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Fee

To: Borden Dairy Company of Texas, LLC
 D c/o The Corporation Company
 1833 S. Morgan Rd.
 Oklahoma City, OK 73128

COMPLETE THIS SECTION ON DELIVERY

A. Signature _____ years of _____

Korri Behler Agent
 Addressee

B. Received by (Print Name) _____ Date Delivered _____
 THE CORPORATION COMPANY
 1833 S. Morgan Rd. JUN 1 2015

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No
 Oklahoma City, OK 73128

3. Service Type
 Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise _____
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

I, _____
 (Transfer from service label)
 Sur PS Form 3811, July 2013
 affl _____

7014 2870 0001 2703 8310

his
 make this

Sheriff of _____ County,

Subscribed to and sworn to before me this _____ day of _____, 2015.
 My Commission Expires: _____

Seal

Notary Public

CERTIFICATE OF SERVICE BY MAIL

I certify that I mailed copies of the foregoing summons with a copy of the Petition to the following named defendant at the address shown by certified mail, addressee only, return receipt requested, on the 27th day of My, 2015, and receipt thereof on the dates shown:

Defendant
 Received _____

Borden Dairy Company of Texas

Address Where Served

Date 6/1/15

Signature of person mailing summons
*1833 S. Morgan Rd.,
 Oklahoma City, OK 73128*

Korri Behler

IN THE DISTRICT COURT FOR TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

STEPHEN REAGOR, an individual)
)
Plaintiff,) Case No. CJ-2015-1297
)
vs.)
)
(1) SOUTHERN FOODS GROUP, LLC)
d/b/a BORDEN DAIRY PRODUCTS) ATTORNEY LIEN CLAIMED
a Foreign Limited Liability Company, and)
(2) BORDEN DAIRY COMPANY OF)
TEXAS, LLC,)
)
Defendants.)

JUN 18 2015

SALLY HOBLE SMITH, COURT CLERK
STATE OF OKLA, TULSA COUNTY

STIPULATION OF DISMISSAL WITHOUT PREJUDICE AS TO DEFENDANT
BORDEN DAIRY COMPANY OF TEXAS, LLC ONLY

COME NOW the Plaintiff, Stephen Reagor, and hereby dismisses his claim without
prejudice as to Defendant Borden Dairy Company of Texas, LLC only.

Respectfully submitted,



Daniel E. Smolen, OBA #19943
SMOLEN, SMOLEN & ROYTMAN, PLLC
320 S. Boston, Suite 1125
Tulsa, OK 74103
(918) 585-2667
(918) 585-2669 Fax